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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/773,331

02/09/2004

Chih-Kang Wu

BHT-3092-415

8950

7590

10/28/2005

BRUCE H. TROXELL

SUITE 1404

5205 LEESBURG PIKE

FALLS CHURCH, VA 22041

EXAMINER

CRANSON JR, JAMES W

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,331

Applicant(s)

WU, CHIH-KANG

Examiner

James W. Cranson

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0257792 A1 to Yu et al.

US 2004/0257792 A1 to Yu et al. discloses a back light module comprising a lamp case having a bottom wall and a top open side, a plurality of lamp tubes fixedly mounted inside the lamp case, a diffuser board fastened to the top open side of lamp case and suspending above lamp tubes and support members stopped at the bottom of lamp case to support diffuser against deformation. US 2004/0257792 A1 to Yu et al. does not have the support members formed integral with a bottom wall of diffusing board.

In other words, US 2004/0257792 A1 to Yu et al., discloses the claimed invention except for having the support members formed integral with a bottom wall of diffusing board. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate having the support members formed integral with a bottom wall of diffusing board in Yu et al. because it has been held that lacking any criticality, to make prior art parts integral does not make the claimed invention patentable over that prior art (*In re Larson*, 144 USPQ 347 [CCPA 1965]).

Regarding claim 2, according to claim 1, wherein bottom support members are perpendicularly extended from the bottom wall of diffuser board. The axes of the supports in Yu et al. are perpendicularly extended from the bottom wall (figure 4a).

Regarding claims 3 and 4, both according to claim 1, wherein support members are injection molded with diffuser board in integrity and that diffuser board is made of acrylic.

Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0257792 A1 to Yu et al. in view of USPN 6,652,109 B2 to Nakamura.

Yu et al does not disclose that support members are injection molded and with diffuser board in integrity or that diffuser board is made of acrylic.

Nakamura in a surface light emission device and method of manufacture the same teaches both the use of injection molding in a back light module and the use of acrylics. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Nakamura in Yu et al and injection mold the support member and diffusion board from an acrylic resin. The reason is that it well known in the illumination art to injection mold back light device components from an acrylic resin as shown by Nakamura.

Response to Arguments

Applicant's arguments filed 10/03/2005 have been fully considered but they are not persuasive. Under 37 CFR 1.55 (a)(4) (i) (B) "An English language translation of a non-English language foreign application is not required except (B) **When necessary to overcome the date of reference relied upon by the examiner**". A timely English language translation has not been filed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).





Thomas M. Sink
Principal Examiner